

REMARKS

Claims 1-42 are pending in the application. Claims 36 and 38 have been amended in this Amendment. By these amendments, Applicants do not acquiesce to the propriety of any of Examiner's rejections. Indeed, these amendments merely correct typographic errors. These amendments, therefore, do not disclaim any subject matter to which the Applicants are entitled. *Cf. Warner Jenkinson Co. v. Hilton-Davis Chem. Co.*, 41 USPQ2d 1865 (U.S. 1997). These amendments are not intended to in any way narrow the subject the matter for which a patent is sought.

I. REJECTIONS UNDER 35 U.S.C. § 102 and 35 U.S.C. § 103

The Examiner rejected claims 1-11 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,691,232, issued to Wood et al ("Wood"), in view of U.S. Patent No. 6,401,206, issued to Khan et al ("Khan"). The Examiner rejected claims 12-42 under 35 U.S.C. § 102(e) as being anticipated by *Wood*. Paper No. 15, page 2. Applicants respectfully traverse these rejections.

Without addressing the propriety of the Examiner's rejection, and specifically the Examiner's interpretation of what the cited reference teaches or suggests, Applicants respectfully submit that the present rejection should be withdrawn because *Wood* is not prior art to the Applicants' invention. *Wood* was based on an application filed on 5 August 1999 and issued on 10 February 2004. The Dickinson Declaration and its associated evidence SUBMITTED HEREWITH establish that the claimed invention was conceived before 5 August 1999, the filing date of *Wood*. Referring to the Dickinson Declaration, Mr. Dickinson attests that he is the inventor of the above-identified patent application. ¶1. Furthermore, he has read and is familiar with the Final Office Action mailed 28 June 2004 in this application. ¶2. Mr. Dickinson understands that in the Final Office Action mailed 28 June 2004, the Examiner rejected claims 1-11 as obvious over *Wood*, in view of *Khan*. ¶3. He also understands that in the Office Action mailed 28 June 2004 the Examiner rejected claims 12-42 as anticipated in view of *Wood*. ¶3. Mr. Dickinson has read and is familiar with the *Wood* patent and understands that the patent was filed on 5 August 1999 and issued on 10 February 2004. ¶4.

Mr. Dickinson invented the subject matter of the present invention prior to 5 August 1999. ¶5. He has further provided a copy of a Record of Invention and Invention Disclosure prepared in anticipation of filing application Serial No. 60/154,734 to which the present application claims priority. ¶6. Page 6 of the disclosure, attached to the Dickinson Declaration as Exhibit B, evidences that Mr. Dickinson, as a co-inventor of the subject matter claimed and disclosed in the present application, conceived of the invention that is disclosed in the parent application and diligently sought patent protection prior to 5 August 1999. ¶6.

Specifically, the disclosure at e.g., page 6, summarizes and evidences the conception of the invention in the application Serial No. 60/154,734 to which the present application claims priority. In particular, page 6 shows a private cryptographic system with a plurality of private keys stored on a secure server. Such a system performs cryptographic functions for each user associated with a private key. ¶7. The information on these pages was memorialized in this disclosure before 5 August 1999, the filing date of the *Wood* Patent. Id. Page 1 (date redacted) of the same disclosure evidences that the disclosure summarized on page 6 of Exhibit B was made before 5 August 1999. In addition, this work was performed in the United States.

Moreover, the Dickinson declaration refers to Exhibit C, an invoice from the law firm Knobbe Martens Olsen and Bear LLP (Knobbe) shows that Mr. Dickinson conceived of and diligently sought patent protection for the subject matter of the claimed invention and the provisional application to which the present application claims priority prior to 5 August 1999. ¶8. Specifically, invoice no. 306061 evidences that Knobbe was in possession of disclosure material and began preparing a patent application prior to 5 August 1999. ¶9. Furthermore, invoice no. 303324 evidences that an attorney at Knobbe prepared for and held a meeting with Mr. Dickinson to “discuss new trusted portal” concept. ¶9. Accordingly, the *Wood* patent does not constitute prior art due to Applicants’ conception of the present parent invention before the filing date of the *Wood* patent.

Therefore, in view of the Dickinson Declaration, Applicants submit that the *Wood* patent is not prior art to the Applicants’ invention. Accordingly, Applicants respectfully request reconsideration and withdrawal of the present rejection.

CONCLUSION

Applicants have properly stated, traversed, accommodated, or rendered moot each of the Examiner's grounds for rejection. Applicants submit that the present application is now in condition for allowance.

If the Examiner has any questions or believes further discussion will aid examination and advance prosecution of the application, a telephone call to the undersigned is invited. If there are any additional fees due in connection with the filing of this amendment, please charge the fees to undersigned's Deposit Account No. 50-1067. If any extensions or fees are not accounted for, such extension is requested and the associated fee should be charged to our deposit account.

Respectfully submitted,



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